

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KD, a minor, by his parent and natural
guardian, Kenneth Dieffenbach, et al.

:

:

Plaintiff

:

v.

: Civil Action No. 07-515-GMS-MPT

UNITED STATES OF AMERICA

:

Defendant

:

ORDER ADOPTING MAGISTRATE JUDGE'S
RECOMMENDATION ABSENT TIMELY OBJECTION

This Order is issued upon consideration of the Report and Recommendation of United States Magistrate Judge Mary Pat Thyng issued on May 26, 2009, and upon the expiration of the time allowed for objections pursuant to Rule 72 of the Federal Rules of Civil Procedure with no objection having been received.

Accordingly, IT IS this 16th day of June, 2009, by the United States District Court for the District of Delaware, ORDERED that:

1. Magistrate Judge Thyng's Report and Recommendation (D.I 15) is hereby ADOPTED; and
2. The defendant's motion to dismiss (D.I. 6) is GRANTED in part and DENIED in part as therein set forth


CHIEF, UNITED STATES DISTRICT JUDGE